

Senate Resolution No. 44

Introduced by Senator Burton

Relative to administration of justice.

WHEREAS, Since legislation was enacted in 2000 that allows convicted persons to obtain postconviction DNA testing in California, a number of people have been exonerated and released from prison after serving several years in prison, and more than 100 Americans sentenced to death have subsequently been exonerated and freed from death row based on DNA testing; and

WHEREAS, Thorough, unbiased study and review in other states has resulted in recommendations for significant reforms to the criminal justice system in order to avoid wrongful convictions and executions, and California has not engaged in any such review of the state's criminal justice system; now, therefore, be it

Resolved by the Senate of the State of California, That the Members hereby establish the California Commission on the Fair Administration of Justice; and be it further

Resolved, That the commission shall have the following duties:

(1) To study and review the administration of criminal justice in California to determine the extent to which that process has failed in the past, resulting in wrongful executions or the wrongful conviction of innocent persons.

(2) To examine ways of providing safeguards and making improvements in the way the criminal justice system functions.

(3) To make any recommendations and proposals designed to further ensure that the application and administration of criminal justice in California is just, fair, and accurate; and be it further

Resolved, That the commission shall consist of members to be appointed by the Senate Committee on Rules, which shall also designate the chair. The commission shall meet regularly, establish a staff, hold public hearings, review existing research, commission new research, and solicit public comments from scholars, judges, prosecutors, law enforcement, private defense lawyers, public defenders, elected officials, victims' organizations, authorities in the criminal justice system, and members of the public; and be it further

Resolved, That the members of the commission shall not receive compensation, but shall be reimbursed for necessary travel expenses for

the purpose of attending meetings of the commission, including such public meetings as the commission shall schedule, and the commission shall be funded by private sources; and be it further

Resolved, That the commission shall meet and make recommendations to the Legislature and Governor no later than December 31, 2007, on recommendations on the administration of justice, addressing the matters set forth herein.

Senate Resolution No. 44 read and adopted by the Senate August 27, 2004.

Attest: _____
Secretary of the Senate

